



Entered on Docket  
May 17, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection Of  
USACM Trust To Proofs Of Claim Based  
Entirely Upon Investment In The Oak Shores  
II Loan**

Hearing Date: May 9, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Oak Shores II Loan ("Oak Shores II Loan") [DE 8304] (the "Objection"); the Court having heard the Objection on May 9, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Oak Shores II Loan; and good cause  
2 appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8304] is sustained; and

5 2. The claims listed on **Exhibit A** attached are disallowed in their entirety since  
6 and to the extent that those claims are based upon an investment in the Oak Shores II  
7 Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11  
12 By /s/ John Hinderaker  
13 Robert M. Charles, Jr.  
14 John Hinderaker (*pro hac vice*)  
15 3993 Howard Hughes Parkway, Ste. 600  
16 Las Vegas, Nevada 89169-5996  
Telephone: (702) 949-8320  
Facsimile: (702) 949-8321

17 *Attorneys for USACM Liquidating Trust*  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).  
XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker. \_\_\_\_\_  
 Attorneys for USACM Liquidating Trust

# # #

**Oak Shores II (John E. King)  
Single Loan Claims**

<b>Claim #</b>	<b>Date Claim Filed</b>	<b>Name/Address</b>	<b>Total Claim Amount Relating to the Oak Shores II (John E. King) Loan</b>	<b>Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan</b>
10725-01460	11/16/2006	1989 Duesing Family Trust Dated 1/31/89 C/O Duesing, Steven & Deborah Ttees 1701 Golden Oak Dr Las Vegas, NV 89117-1453	175,719.00	35,117.06	140,601.94
10725-00881	10/31/2006	Adams, Michael 1730 Winter Moon Ct Reno, NV 89523	100,675.82	-	100,675.82
10725-02373	1/16/2007	Aquino, John P & Lisa 2950 Cabrillo St San Francisco, CA 94121-3532	50,000.00	10,033.44	39,966.56
10725-02167	1/12/2007	Benz Family Trust Dtd 7/1/95 Bernard D & Margaret W Benz Ttees 1265 Old Foothill Rd Gardnerville, NV 89460	81,366.44	10,033.44	30,649.78
10725-00430	10/4/2006	Dupin, William & Penny 545 Cole Cir Incline Village, NV 89451	10,238.91	-	10,238.91
10725-00020-2	12/12/2006	Falvai, Brenda 252 North Paseo De Juan Anaheim, CA 89101	37,860.24	10,033.44	27,826.80
10725-02544	6/11/2007	Fischer Family Trust Dtd 6/9/95 C/O Aloys & Joyce Fischer Ttees PO Box 579901 Modesto, CA 95357-5901	121,023.33	10,033.44	110,989.89
10725-00757	10/26/2006	Higgins, Kevin 10413 Mansion Hills Ave Las Vegas, NV 89144	100,000.00	20,066.89	79,933.11

**EXHIBIT A**

**Oak Shores II (John E. King)**  
**Single Loan Claims**

<b>Claim #</b>	<b>Date Claim Filed</b>	<b>Name/Address</b>	<b>Total Claim Amount Relating to the Oak Shores II (John E. King) Loan</b>	<b>Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan</b>
10725-01832	12/29/2006	Jack S Tiano Accountancy Corp 32351 Via Antibes Dana Point, CA 92629-3442	52,673.28	10,033.44	42,639.84
10725-02455	5/31/2007	Johansen Family Trst Died 10/23/87 Amended 6/11/04 C/O Leif A & Roberta K Johansen Trustees PO Box 2773 Truckee, CA 96160-2773	100,447.47	30,100.33	70,347.14

**EXHIBIT A**